

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION**

Lynn Andrews, et al. ,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action Number: 2:06 CV 136-A
)	
Schell & Kampeter, Inc., et al. ,)	
)	
Defendant.)	

STATUS REPORT

COMES NOW the Plaintiffs in the above styled cause and submit this status report in compliance with the Court's Order.

1. This action arises out of Plaintiffs' allegations that Defendant, Schell & Kampeter, Inc. d/b/a Diamond Pet Foods, is liable for injuries and damages purportedly sustained through Plaintiffs' use of one or more of Defendant's pet food products. Specifically, Plaintiffs' Complaint alleges causes of action for breach of express and implied warranties, negligence, violations of the Alabama Extended Manufacturers' Liability Doctrine ("AEMLD"), and unjust enrichment.
2. Plaintiffs have requested this action be certified by the Court as a class action.
3. On March 9, 2005, the Court entered an Order on Defendant's motion staying all proceedings in this case pending a determination on class certification of the claims previously filed against the Defendant which is now pending in the United States District Court for the Eastern District of Tennessee, styled Nicole D. Bass v. Schell & Kampeter, Inc. and Diamond Pet Foods, Inc., 3:05cv586.

4. The Court ordered the parties to file a status report by September 8, 2006, if no class certification had been made in the Tennessee case.
5. The Plaintiffs submit that, to the best of their knowledge and belief, no determination has been made on the class certification in the Tennessee case.

Respectfully submitted,

/s/Jason A. Stuckey
Jason A. Stuckey (STU019)
Attorney for Plaintiffs

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have filed and served a copy of the foregoing Status Report electronically with the Clerk of the Court using the CM/ECF system which will send notice of such filing to counsel listed below, this the 8 day of September, 2006.

Bethany L. Bolger (bbolger@rsjg.com)
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/s/Jason A. Stuckey
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